(13)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

[CHHATTISGARH

default removed on 30/8/06 (Issued)

Cr. M. P.

M.Cr.C. No. 46 /2006

Single Bench

PETITIONERS :

1. Smt. Madhuri Mishra W/o Rajesh Kumar aged 34 years.
2. Harsh Kumar S/o Rajesh Kumar age- 8 years minor through his mother Madhuri Mishra W/o Rajesh Kumar both are resident of Janjgir P.S. and Tah. - Janjgir, Presently Resident at – Champa Distt- janjgir-Champa.

Attested
30/8/06
AR

3380/06
Filed on 08-08-06
by Shri Endrasen Sahu
Advocate
R. to D.R. (J)

VERSUS

RESPONDENTS :

Rajesh Kumar S/o Chandrika Prasad Mishra aged-38 years. Occu- Service. R/o- Janjgir, P.S. and Tah. -Janjgir Distt- Janjgir Champa.

PETITION UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... Cr. M.P. 46 ..... **सन् 2006**

(24)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05/09/2006

Shri Indrasen Sahu, counsel for the applicants.

Heard on admission.

This application under Section 482 Cr.P.C has been filed by the applicants, being aggrieved by the order dated 17.4.2006 passed by the Addl. Sessions Judge, Janjgir in criminal revision No. 66/2005 affirming the order dated 24.2.2005 passed by the Chief Judicial Magistrate, Janjgir in M.J.C. No. 78/2004 whereby the application of the applicants herein under Section 127 (1) Cr.P.C. for enhancement of the amount of maintenance awarded was rejected.

Briefly stated the facts are that the applicant No. 1 is the mother of the applicant No.2. In an application under Section 125 Cr.P.C. filed by them, the Chief Judicial Magistrate, Janjgir had vide order dated 15. 10. 2001 ordered maintenance of Rs. 1,000/- to the applicant No. 1 and Rs. 750/- to the applicant No. 2 from the date of the order. Learned counsel for the applicants submitted that after a lapse of more than 3 years on 22.7.2004, the applicants moved an application under Section 127 (1) Cr.P.C. for enhancement of the amount of maintenance awarded. The learned Chief Judicial Magistrate recorded a finding that the net income of the non-applicant ~~is~~ was Rs. 3034/-. The applicants herein having failed to furnish relevant documents or to lead cogent evidence, the learned Chief Judicial Magistrate rejected the application under Section 127 (1) Cr.P.C. in criminal revision No. 66/2005.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... (Cr.) NP. 46 ..... **सन् 2006**

25

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The Addl. Sessions Judge, Janjgir agreeing with the finding recorded by the learned Chief Judicial Magistrate, Janjgir dismissed the criminal revision.

Learned counsel for the applicants has not been able to point out any such illegality or manifest error of law as would indicate that there has been a failure of justice or that an order under Section 482 Cr.P.C. is necessary to secure the ends of justice.

The application under Section 482 Cr.P.C. has thus, no merit and is dismissed in *limine* at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya

P.T.O.

25/6/08
21/1/12